

NOV 25 2015

JULIA C. [Signature], CLERK  
BY: [Signature]  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 7:05CR00024
	)	(CASE NO. 7:09CV80196
	)	
v.	)	ORDER
	)	
ANDREW J. DANZELL,	)	
	)	
	)	By: Hon. Glen E. Conrad
	)	Chief United States District Judge
Defendant.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. The clerk is **DIRECTED** to reopen this action under 28 U.S.C. § 2255 for consideration of defendant's motion for reconsideration;
2. Defendant's motion to reconsider (ECF No. 149) is **DENIED**; specifically, the motion is **DENIED WITH PREJUDICE** as to the actual innocence arguments under McQuiggin v. Perkins, 133 S. Ct. 1924 (2013) for equitable tolling; and the motion is **DENIED WITHOUT PREJUDICE** as to all claims for relief under § 2255;
3. The clerk **SHALL** strike this § 2255 action from the active docket of the court; and
4. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 25<sup>th</sup> day of November, 2015.

[Signature]  
\_\_\_\_\_  
Chief United States District Judge